

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 08-01060 JVS (RNBx) Date October 8, 2008Title Dutciuc v. Meritage Homes of Arizona, IncPresent: The Honorable James V. SelnaKarla J. Tunis Not Present
Deputy Clerk Court Reporter

Attorneys Present for Plaintiffs: Attorneys Present for Defendants:

Not Present Not Present

Proceedings: (In Chambers) Order to Show Cause re Jurisdiction

The Court has made a preliminary review of the jurisdictional allegations in the:

X Complaint, filed September 22, 2008 Notice of Removal (“Notice”) filed

by Mahai Dutciuc.

The initial pleading purports to invoke jurisdiction Court on the basis of diversity of citizenship, 28 U.S.C. § 1332. (Complaint, ¶ 1.) Jurisdiction on this basis requires complete diversity.

The following party to the action is alleged to be a limited liability company (“LLC”):

MTH Mortgage LLC

For purposes of diversity jurisdiction, an LLC takes on the citizenship of each of its members. Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006); Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998); Keith v. Black Diamond Advisors, Inc., 48 F. Supp. 2d 326, 329-30 (S.D. N.Y. 1999). In order to determine diversity, the Court must consider the citizenship of each LLC member, and if a member is an LLC, the citizenship of its members. Presently, the Court cannot

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tell if jurisdiction has been properly invoked.

The plaintiff/removing party is ordered to file an amended initial pleading within 15 days identifying each member of each alleged LLC and the member's citizenship and principal place of business as the date of the filing of the initial pleading. If any member is itself an LLC, the same information shall be provided for each subtier member, and if need be, for each successive subtier.

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